

United States District Court
For the Northern District of California

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6 BARBARA KELLER, Individually and on
7 Behalf of All Others Similarly Situated,

8 Plaintiff,

9 v.
10 SIPEX CORPORATION, DOUGLAS M.
11 McBURNIE, WALID MAGHRIBI, PHILLIP A.
12 KAGEL, and CLYDE R. WALLIN,
13 Defendants.

14 AND RELATED CASES

No. C 05-00331 WHA

Related cases:

No. C 05-00392 WHA
C 05-00505 WHA
C 05-00712 WHA

**ORDER DISMISSING AND
CONSOLIDATING
RELATED ACTIONS
AGAINST SIPEX
CORPORATION, ET AL.,
FOR VIOLATION OF
SECURITIES LAWS**

15 This order captures, in part, issues addressed at the hearing held on May 12, 2005. All
16 counsel representing plaintiffs and defendants were present except for Milberg Weiss Bershad
17 & Schulman representing Coil Partners, LLC. The Court appreciates those counsel in
18 attendance.

19 Good cause having been shown, and no objections having been received, the Court
20 ORDERS as follows:

21 1. The following actions are dismissed pursuant to parties' voluntary dismissals:

22 C 05-00331 WHA *Barbara Keller v. Sipex Corp.*

23 C 05-00505 WHA *Steve Levy v. Sipex Corp.*

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1 2. The following actions are consolidated for all purposes, including, but not
2 limited to, discovery, pretrial proceedings and trial proceedings pursuant to FRCP 42(a):

3 C 05-00392 WHA *Coil Partners v. Sipex Corp.*

4 C 05-00712 WHA *Alfred H. Jacobson v. Sipex Corp.*

5 3. The consolidated cases shall be identified as *In re Sipex Corporation Securities*
6 *Litigation*, Case No. CV 05-00392 WHA. The files in this action shall be maintained in one file
7 under Master File No. CV 05-00392 WHA. Any other action now pending or hereafter filed in
8 this District that arises out of the same facts and claims as alleged in these related actions shall
9 be consolidated for all purposes as the Court is informed of them. The parties shall notify the
10 Court of any other action pending or filed outside this District that may be related to the subject
11 matter of these consolidated actions should they become aware of such actions.

12 4. Henceforth every pleading filed in these consolidation actions, or in any separate
13 action included herein, shall bear the following caption:

14 IN RE SIPEX CORPORATION

No. CV 05-00392 WHA

15 SECURITIES LITIGATION

CLASS ACTION

17 This Document Relates To:
18 _____

19 5. When a pleading is intended to be applicable to all actions to which this Order is
20 applicable, the words “All Actions” shall appear immediately after the words, “This Document
21 Relates To” in the above caption. When a pleading is intended to be applicable only to some,
22 but not all, such actions, the Court’s docket number for each individual action to which the
23 documents are intended to be applicable and the last name of the first-named plaintiff in said
24 action shall appear immediately after the words “This Document Relates To” in the caption
25 described above, e.g., “This Document Relates To: *Jacobsen*, Case No. CV 05-00712 WHA.”

26 6. From the date of entry of this Order, the parties shall comply with
27 15 U.S.C. § 78u-4(b)(3)(C)(i), without regard to whether a stay under 15 U.S.C. § 78u-
28 4(b)(3)(B) is in effect, and shall comply with 15 U.S.C. § 78u-4(b)(3)(C)(i)’s provisions

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1 concerning documents relevant to allegations contained in any and all of the pleadings in these
2 actions, including any consolidated complaint.

3 7. Unless otherwise agreed between the parties, lead plaintiff shall file a
4 consolidated class action complaint no later than 45 days from the date of entry of an order
5 appointing lead plaintiff. The consolidated class action complaint shall be treated as if it were
6 the original complaint, and all defendants shall have 45 days after the filing and service of the
7 consolidated class action complaint to answer or otherwise respond. Notwithstanding the filing
8 of the consolidated class action complaint pursuant to FRCP 15(a), in the event that defendants
9 file any motions directed at the consolidated class action complaint, counsel are to meet and
10 confer and report to the Court with regard to an acceptable briefing and hearing schedule for
11 such motions.

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13 **IT IS SO ORDERED.**

14 Dated: May 12, 2005.
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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE
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